

In re) Fair Hearing No. 20,972
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Appeal of)

The petitioner appeals the decision of the Department for Children and Families, Health Access Eligibility Unit, closing her Vermont Health Access Program (VHAP) benefits. The issue is whether the petitioner is over-income for VHAP.

1. The petitioner is a sixty-three year old individual who retired during October 2006 due to health complications from arthritis. Petitioner receives Social Security retirement benefits and will not be eligible for Medicare until she is sixty-five years old.

2. Petitioner was found eligible for VHAP benefits based on her gross monthly Social Security income of \$1,137. Petitioner was informed to notify the Department if her income changed. Petitioner did not understand that VHAP

benefits would end if her income exceeded certain limits. She assumed her premium would be increased.¹

3. After medical care, petitioner found that the effects of her arthritis had improved. She sought part-time employment. Petitioner timely informed the Department that she obtained employment and provided wage information. Petitioner earned gross wages of \$261.75 on July 5, 2007 and \$273.00 on July 19, 2007.

4. At the fair hearing held on July 25, 2007, the petitioner did not dispute the Department's determination that her countable income was \$1,665.17 per month, which is in excess of the VHAP maximum of \$1,277 for a one-person household.

5. The petitioner was advised to immediately reapply for VHAP if her household income falls beneath the VHAP program monthly maximum income and informed that Catamount Health will be available this fall.

ORDER

The Department's decision is affirmed.

¹ Petitioner feels that her confusion about the operation of the VHAP program was caused by a lack of communication from the Department. She specifically noted lack of information regarding maximum income limits, the confusion whether the notice for continuing benefits meant that the Department had rescinded their denial, and the multiplicity of notices.

REASONS

Under the VHAP regulations, all unearned and earned income, except for a \$90 disregard for earned income, is included as countable income for VHAP eligibility. W.A.M. § 4001.81 (c) and (e). There is no dispute that as of the date recommending closure of her VHAP eligibility that petitioner had countable income in excess of a one-person household or \$1,277. P-2420B.

Petitioner would like to see policy changes. However, the Board is limited to determining whether the Department has correctly applied the regulations to the facts in petitioner's case and whether the Department's actions are consistent with their underlying statutory authority. The Department has done so in this case.

In conclusion, the Department's finding that petitioner's VHAP benefits should be closed based on a change to her countable income is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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